



Women in Prison

Incarcerated Women

Today, state and federal prisons hold over 115,000 women.¹ Since 2005, the number of women in prison has increased by 4.6%, while the number of men has increased by 2.7%.²

- The majority of women in prisons are single mothers.³
- About 2/3 of those incarcerated are women of color.⁴
- Most incarcerated women were convicted for non-violent drug offenses.⁵
- 1 in 3 women in state prisons reported committing an offense to support a drug habit.⁶

Shackling Pregnant Women

Some jails and prisons use restraints, such as leg irons and wrist shackles, on sick and pregnant women regardless of whether the woman has a history of violence.⁷

- Shackling of all prisoners, including pregnant prisoners, is policy in federal prisons and the US Marshal Service and exists in almost all state prisons.⁸ Shackling during labor may cause complications during delivery such as hemorrhage or decreased fetal heart rate. If a cesarian section is needed, a delay of even 5 minutes may result in permanent brain damage to the baby.⁹
- The California Medical Association states, in part, that prenatal care has consistently been shown to be a cost-effective tool in preventing birth defects, and protecting the health of the infant and the mother. Additionally, shackling of a prisoner during labor and delivery may be unnecessarily uncomfortable and dangerous for the female inmate, while providing few additional public safety protections.¹⁰
- The American College of Obstetricians and Gynecologists stated, Physical restraints have interfered with the ability of physicians to safely practice medicine by reducing their ability to assess and evaluate the physical condition of the mother and the fetus, and have similarly made the labor and delivery process more difficult than it needs to be; thus, overall putting the health and lives of the women and unborn children at risk.¹¹
- Only three states have laws prohibiting this practice (CA, IL, and VT).¹²
- Examples of some states' policies:
 - Illinois, Massachusetts, Pennsylvania, Oklahoma and Wisconsin allow restraints until the inmate is in "active labor" or arrives at the delivery room.¹³

¹ WILLIAM J. SABOL & HEATHER COUTURE, U.S. DEPT. OF JUSTICE, PRISON INMATES AT MIDYEAR 2007 1 (2008), <http://www.ojp.gov/bjs/pub/pdf/pim07.pdf>.

² WILLIAM J. SABOL, HEATHER COUTURE, & PAIGE HARRISON, U.S. DEPT. OF JUSTICE, PRISONERS IN 2006 1 (2007), <http://www.ojp.usdoj.gov/bjs/pub/pdf/p06.pdf>.

³ CHRISTOPHER J. MUMOLA, U.S. DEPT. OF JUSTICE, INCARCERATED PARENTS AND THEIR CHILDREN 3 (2000) <http://www.ojp.gov/bjs/pub/pdf/iptc.pdf>.

⁴ Corr. Inst. Of N.Y., Women in Prison Fact Sheet, Mar. 2007, <http://www.correctionalassociation.org/WIPP/publications/Women%20in%20Prison%20Fact%20Sheet%202007.pdf>.

⁵ Drug Policy Alliance Network, <http://www.drugpolicy.org/communities/women/womeninpriso/>.

⁶ Corr. Inst. of N.Y., supra note 4.

⁷ Amnesty Int'l USA, Excessive Use of Restraints on Women in Custody, <http://www.amnestyusa.org/women/custody/shackling.html>.

⁸ Amnesty Int'l USA, Women in Prison: A Fact Sheet, http://www.prisonpolicy.org/scans/women_prison.pdf.

⁹ Id.

¹⁰ http://info.sen.ca.gov/pub/05-06/bill/asm/ab_0451-0500/ab_478_cfa_20050613_094441_sen_comm.html.

¹¹ Press Release, Cal. State Assembly, Governor Signs Bill To End Shackling of Women During Labor and Delivery (Oct. 7, 2005), available at <http://democrats.assembly.ca.gov/members/a22/Press/p222005023.htm>.

¹² Amnesty Int'l USA, supra note 7.

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- Arkansas reportedly has a policy stipulating that women with “lesser disciplinary records” will at times have one arm and one leg restrained by flexible nylon “soft restraints.” Arkansas did not provide information on how women with other disciplinary records are restrained.¹⁴
- New Hampshire stated that one foot may be shackled to the bed during labor depending on security class of the woman in labor.¹⁵

Abuse in Custody

- In federal women’s prisons, approximately 70% of prison correctional officers are male.¹⁶
- Women are often sexually assaulted during searches, raped, or abused.¹⁷
- Women are sometimes coerced into sexual favors by the use of bribery or to avoid punishment.¹⁸

Lack of Adequate Reproductive Healthcare

- Nationally, 6-10% of women in prison are pregnant at any given time.¹⁹
- Doctor visits for pregnant women in prison are often infrequent.²⁰
- Rates of STIs are much higher in prisons than the general population.²¹
- Women prisoners are at a high risk for STIs, HIV, and unintended pregnancies.²²
- Pregnancies among women in prison are often unplanned, high risk, and have poor outcomes due to lack of prenatal care, drug and alcohol use, poor nutrition and high rates of STIs among incarcerated women.²³

Family Life

- Most women in prison were primary caretakers of children under the age of 18.²⁴
- The federal Adoption and Safe Families Act (ASFA), which terminates the rights of a parent whose child is in foster care for 15 of the most recent 22 months, puts women in prison at serious risk of losing their children.²⁵
- Due to a combination of poor reproductive healthcare and stringent ASFA regulation, incarcerated women have few possibilities for biological families after release from prison.

Abortion

- Women locked up in all federal and most state prisons and jails are denied funding for abortion care. They must procure the money themselves and travel to an offsite location for the procedure.²⁶

¹³ Amnesty Int’l USA, Key Findings, http://www.amnestyusa.org/women/custody/keyfindings_restraints.html.

¹⁴ Id.

¹⁵ Id.

¹⁶ Amnesty Int’l USA, *supra* note 7.

¹⁷ Id.

¹⁸ Amnesty Int’l USA, Violence Against Women, <http://www.amnestyusa.org/women/violence.html>.

¹⁹ Jennifer G. Clarke, et. al., Reproductive Health Care and Family Planning Needs Among Incarcerated Women, 96 AM. J. OF PUB. HEALTH 834, 834 (2006) available at <http://www.ajph.org/cgi/reprint/96/5/834.pdf>.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id.

²⁴ ACLU, Women in Prison: An Overview, <http://www.aclu.org/womensrights/violence/25829res20060612.html>.

²⁵ Thomas C. Atwood et. al., Judicial Leadership to Ensure Sound Permanency Decisions for Children in Foster Care: Practical Guidelines for Juvenile and Family Courts, 2 ADOPTION ADVOCATE (2006) 1, 1 available at http://www.adoptioncouncil.org/documents/AABrief_JudLead_final_000.pdf.



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- In addition to the cost of the actual procedure, a woman may also have to pay her escorting guards' wages and transportation expenses.²⁷
- A woman in prison may have to struggle just to persuade the guards to let her see a doctor and get the abortion care she needs.²⁸
- Some prisoners are refused an abortion until they have received a court order, which causes major delays that risk the health of the woman.²⁹

Access to Abortion in the Federal Prison System

- Due to the 1976 Hyde Amendment banning federal funds for abortions, federal prisons may not allocate resources for women who need abortions.³⁰

Access to Abortion in the State Prison Systems

- 32 states and the District of Columbia provide abortions in cases of life endangerment, rape, and incest.³¹
- 1 state (South Dakota) provides abortion only in cases of life endangerment, in violation of the federal standard.³²
- 17 states use state funds to provide all or most medically necessary abortions.³³
 - 4 of these states do so voluntarily.³⁴
 - 13 do so pursuant to a court order.³⁵

Transportation Issues in Access to Abortion

- In an Arizona case, the Supreme Court found in 1995 that women in prison are constitutionally entitled to travel off prison grounds to obtain an abortion.³⁶
- In early 2008, a federal appeals court in Missouri also ruled that the state must provide transportation to women in prison who want an abortion.³⁷

²⁶ Rachel Roth, Reproductive Rights in Theory and Practice: The Meaning of Roe v. Wade for Women in Prison, CENTER FOR AMERICAN PROGRESS, Jan. 20, 2006, <http://www.americanprogress.org/issues/2006/01/b1363953.html>.

²⁷ Id.

²⁸ Id.

²⁹ See Press Release, ACLU, High Court Refuses to Review Arizona Prison's Abortion Policy (Mar. 24, 2008), available at <http://www.aclu.org/reproductiverights/abortion/34603prs20080324.html>.

³⁰ Susan Schewel, The Hyde Amendment's Prohibition on Federal Funding for Abortion, THE WOMEN'S HEALTH ACTIVIST (Nat'l Network of Abortion Funds, Boston, MA) Sept./Oct. 2006, <http://www.hyde30years.nnaf.org/documents/NWHNSchewelarticle.pdf>.

³¹ State Funding of Abortion Under Medicaid, STATE POLICIES IN BRIEF (The Guttmacher Institute, New York, N.Y.), July 1, 2008, http://www.guttmacher.org/statecenter/spibs/spib_SFAM.pdf.

³² Id.

³³ Id.

³⁴ Id.

³⁵ Id.

³⁶ Bill Mears, Supreme Court Allows Abortions For Inmates, CNN, Mar. 24, 2008, <http://www.cnn.com/2008/US/03/24/scotus/index.html>.

³⁷ Missouri Must Allow Women to Have Abortions, ASSOCIATED PRESS, Jan. 22, 2008, <http://www.msnbc.msn.com/id/22790110/>.